Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, JULY 19, 1951. [No. 29

PART IV

Section I-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 89—Legis. 3-50-22, dated Bangalore, 16th April 1951.

Ordered that the accompanying Indian Tariff (Amendment) Bill, 1951 (No. 19 of 1951) published in the *Gazette of India*, Part II, Section 2, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 13th March, 1951 :—

BILL* NO. 19 OF 1951.

A Bill further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Indian Tariff (Amendment) Act, 1951.

2. Insertion of new section 3A in Act XXXII of 1934.—After section 3 of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"3A. *Power of Central Government to levy protective duties in certain cases.*—(*1*) Where the Central Government, upon a recommendation made to it in this behalf by the Tariff Board set up under the Resolution of the Government of India in the Department of Commerce No. 218-T (55)/45, dated the 3rd November, 1945, is satisfied that circumstances exist which render it necessary to take immediate action to provide for the protection of the interests of any industry established in India, the Central Government may, by notification in the Official Gazette, impose on any goods imported into India in respect of which the said recommendation is made, a duty of customs of such amount, not exceeding the amount proposed in the said recommendation, as it thinks fit.

(2) Every duty imposed under sub-section (*1*) shall, for the purposes of this Act, be deemed to have been specified in the First Schedule, and shall be in addition to any duty imposed under this Act or any other law for the time being in force, but shall not be included in the duty of customs upon which any additional duty imposed by section 6 of the Indian Finance Act, 1942 (XII of 1942), and continued, subject to certain modifications by certain subsequent Central Acts, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed.

(3) During the session of Parliament commencing after the date of the notification under sub-section (*1*) there shall, unless the notification is in the meantime cancelled, be introduced in Parliament on behalf of the Central Government a Bill to give effect to the proposals of the Central Government in regard to the continuance of the protective duty of customs on the goods to which the notification relates, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder."

3. Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule to the principal Act,—

(i) in Item No. 11 (3), for the entry in the second column, the words "Sago, Tapioca and Tapioca flour, not otherwise specified" shall be substituted;

(ii) after Item No. 11 (5), the following Item shall be inserted, namely :—

"11 (6)	Sago globules and tapioca pearls—					
	(a) manufactured in a British Colony.	Protective	24 per cent ad valorem.	...	...	December 31st, 1952.
	(b) not manufactured in a British Colony.	Protective	36 per cent ad valorem.	...	...	December 31st, 1952.";

(iii) in Item No. 15 (10), in the entry in the second column, after the word "Stearine" the brackets and words "(Glyceride of Stearic Acid)" shall be inserted;

(iv) in Item No. 26, to the entry in the second column, the words "and antimony ore" shall be added;

(v) after Item No. 26, the following Item shall be inserted, namely :—

"26 (1)	Antimony ore in any form such as— (a) lump ; (b) powder or fine ; and (c) concentrates.	...	Free	...	...	"

(vi) in Items Nos. 27 (4) and 27 (8)—

(*a*) in the entry in the second column, the words "by Abel's close test" shall be omitted :

*The President has, in pursuance of clause (1) of article 177 of the Constitution of India, recommended to Parliament the introduction of the Bill.

(*b*) to the entry in the second column, the following *Note* shall be added, namely :—

"*Note.*—Flashing points will be determined in accordance with the tests laid down in the rules made under the Petroleum Act, 1934 (XXX of 1934)" ;

(vii) in Item No. 28 (8), in the entry in the second column, the word "carbolic" shall be omitted ;

(viii) for Item No. 28 (20), the following Item shall be substituted, namely :

"28 (20)	(a) Acid oleic or any product containing 60 per cent or more of free liquid fatty acids.	Protective	30 per cent ad valorem.	...	...	December 31st, 1951.
	(b) Acid stearic or any product containing 60 per cent. or more of free solid fatty acids.	Protective	30 per cent ad valorem.	...	...	December 31st, 1951.
	(c) Mixtures of (a) and (b) containing 60 per cent or more of free fatty acids.	Protective	30 per cent ad valorem.	...	...	December 31st, 1951.";

(ix) in Item No. 28 (29), in the entry in the second column, after the word "phenol" the brackets and words "(carbolic acid)" shall be inserted ;

(x) after Item No. 28 (30), the following Item shall be inserted namely :—

"28 (31)	Calcium lactate— (a) of British manufacture.	Protective	26 per cent ad valorem.	...	...	December 31st, 1953.
	(b) not of British manufacture : Provided that calcium lactate manufactured in a British Colony shall be deemed to be of British manufacture.	Protective	36 per cent ad valorem.	...	...	December 31st, 1953.";

(xi) for Item No. 30 (7), the following item shall be substituted, namely :—

"30 (7)	Lead Pencils	Protective	30 per cent ad valorem or 3½ annas per dozen, whichever is higher.	...	...	December 31st, 1952.";

(xii) after Item No. 45 (3), the following items shall be inserted, namely :—

"45 (4)	Coloured and copying pencils.	Protective	37½ per cent ad valorem.	...	...	December 31st, 1952.
45 (5)	Fountain pen ink	Protective	37½ per cent ad valorem.	...	...	December 31st, 1953."

(xiii) in Items Nos. 46, 46 (1), 47, 47 (1) and 48, in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1951", the word, figures and letters "March, 31st, 1952" shall be substituted ;

(xiv) after Item No. 71 (7), the following Item shall be inserted, namely :—

"71 (8)	Grinding wheels and segments.	Protective	100 per cent ad valorem.	...	...	December 31st, 1951.";

(xv) after Item No. 71 (10), the following Item shall be inserted, namely :—

"71 (11)	Oil pressure lamps of 100 to 400 candle power, all sorts.	Protective	30 per cent ad valorem.	...	...	December 31st, 1953.";

(xvi) in Item No. 72 (d), in the entry in the second column, after the words "any machinery above specified", the words "and also with squirrel cage electric motors of one-quarter of one brake horse power and above", shall be inserted ;

(xvii) in Item No. 72 (8), in the entry in the second column, after the words "seed and corn crushers", the words "seed and grain cleaners and graders" shall be inserted ;

(xviii) in Item No. 72 (25), to the entry in the second column, the following proviso shall be added, namely :—

"Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the machine or apparatus to which they belong if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable.";

(xix) in Item No. 75 (1), in the entry in the fifth column, for the figures "54", the figures "57" shall be substituted ;

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(xx) for Item No. 85, the following Item shall be substituted, namely:—

"85	Buttons, studs and cuff links—					
	(a) made of metals other than gold or silver.	Protective	30 per cent ad valorem.	...	...	December 31st, 1953.
	(b) made of porcelain.	Protective	35 per cent ad valorem.	...	...	December 31st, 1953.
	(c) not otherwise specified but excluding jewellery, and articles made of glass or plated with gold or silver or both.	Protective	30 per cent ad valorem.	...	...	December 31st, 1953."

4. Amendment of Act I of 1949.—In the Indian Tariff (Amendment) Act, 1949,—

(i) in sections 4 and 5, for the figures "1951" the figures "1954" shall be substituted; and

(ii) section 7 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The objects of the present Bill are—

(1) to amend the Indian Tariff Act, 1934 (XXXII of 1934) to empower Government to impose protective duties by notification in emergent circumstances on the recommendation of the Tariff Board to be followed up by formal legislation;

(2) to amend the First Schedule to the Act in order to grant protection to certain industries and to extend beyond the 31st March, 1931, the period of protection for certain other industries on the advice of the Tariff Board; and

(3) to amend the Indian Tariff (Amendment) Act, 1949 (I of 1949) in order to continue for a further period of three years the concessions agreed to under the General Agreement on Tariffs and Trade at Geneva.

2. As regards (1), the powers indicated are at present exercisable under the Protective Duties Act, 1946 (XVII of 1946). This Act is, however, due to expire on the 31st March, 1951. It is necessary to retain these powers permanently and it is convenient to have these powers incorporated in the Indian Tariff Act, 1934.

3. As regards (2), the industries which are to be protected are—

(i) Sago globules and tapioca pearls,

(ii) Fine chemicals (calcium lactate),

(iii) Pencils,

(iv) Fountain pen ink,

(v) Oil pressure lamps, and

(vi) Buttons, studs and cuff links.

The industries which will continue to be protected are—

(i) Sericulture, and

(ii) Grinding wheels and segments.

4. As regards (3), Act No. I of 1949 is due to expire on the 31st March 1951. The Contracting Parties to the General Agreement have proposed that the present Contracting Parties (including India) should continue the concessions for a further period of three years. The Schedule to the Act which is being amended accordingly embodies only the items on which concessions were agreed to during the first set of negotiations at Geneva in 1947.

5. Opportunity has also been taken to carry out certain minor amendments of a formal character.

D. P. KARMARKAR

NEW DELHI;

The 12th March, 1951.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.